

1636

PATENT 1422-0442P

IN THE U.S. PATENT AND TRADEMARK OFFICE

Applicant: Hiroaki SAGAWA et al. Conf.: 6993  
Appl. No.: 09/690,885 Group: 1636  
Filed: October 18, 2000 Examiner: D. GUZO  
For: PLASMID

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LETTER IN RESPONSE TO SEQUENCE LISTING REQUIREMENT

Assistant Commissioner for Patents  
Washington, DC 20231

February 14, 2003

Sir:

A Notice to Comply With Requirements for Nucleotide Sequence and/or Amino Acid Sequence Disclosures was mailed in the above-identified application on January 14, 2003. The Notice recites; "applicants disclose 30 nucleotide and amino acid sequences in the application but have not submitted a Sequence Listing." Applicants would like to make the Examiner aware that a fully compliant paper and disk copy of a Substitute Sequence Listing was mailed along with a supporting Preliminary Amendment on October 18, 2000. As evidence of this submission, applicants are enclosing herewith a copy of the October 18, 2000 date stamped postcard receipt.

For the convenience of the Patent Office, Applicants are re-submitting both paper and disk copies of the Substitute Sequence Listing and the Preliminary Amendment as originally filed on October 18, 2000. The computer readable form of the Substitute

Sequence Listing is identical to the paper copy except that it lacks formatting.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By Marc S. Weiner  
Marc S. Weiner, #32,181

MSW/MAA/BCF  
1422-0442P

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Falls Church, VA 22040-0747  
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(Rev. 09/27/01)

Papers Filed herewith on: Oct. 18<sup>th</sup>, 2000 59  
DOCKET NO: 1422-442P  
ATTY: MSW/MAA  
APPLICANT(S): SAGAWA et al.  
APPLN. NO: 10-211 FILED: 10-18-00  
PAT NO:

New Application with Transmittal Letter  
 Utility  Design  CIP  PCT  Provisional  
 Filing Under 37 CFR 1.53(b)  CONT  DIV  
 Filing Under 37 CFR 1.53(d) (CPA)  
 Specification Consisting of: 103 pages  
 Combined Declaration & Power of Attorney (copy)  
 Assignment / Cover Letter  
 Letter to Official Draftsman  
 Drawings 26 Sheets  Formal  Informal  Red-Ink  
 Completion of Filing Requirements, PCT/DO/EO/905 or Formalities Letter and Executed Declaration  
 Priority Document(s) / Cover Letter, No. Doc.  
 Amendment: Preliminary  
 Transm'l Ltr  Large Entity  Small Entity  
 Response  
 Information Disc'l Stmt. PTO-1449(s) ref(s)  
 Notice of Appeal  Appeal Brief  
 Issue Fee Transmittal  
 FEES: \$950.00 - CK # 6015867  
 Letter:

Other: Receipts for deposits of microorganisms (copy)

Receipt is hereby acknowledged of the papers filed as indicated in connection with the above identified case.  
COMMISSIONER OF PATENTS AND TRADEMARKS  
Due Date: 10-24-00  
Handcarry:

DOCKET NO. 1422-442P

SC91  
TECH & TRADEMARK CENTER

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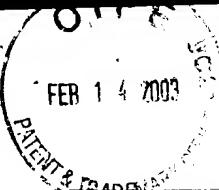
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Due Date: 10-24-00  
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DOCKET NO. 1422-442P

09/69/2003 PTO  
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UNITED STATES DEPARTMENT OF COMMERCE

Patent and Trademark Office

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Washington, D.C. 20231

APPLICATION NO./  
CONTROL NO.

FILING DATE

FIRST NAMED INVENTOR /  
PATENT IN REEXAMINATION

ATTORNEY DOCKET NO.

EXAMINER

ART UNIT       PAPER

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DATE MAILED

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Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

- SEE ATTACHMENT -

**Attachment**

This application contains sequence disclosures that are encompassed by the definitions for nucleotide and/or amino acid sequences set forth in 37 CFR 1.821(a)(1) and (a)(2). However, this application fails to comply with the requirements of 37 CFR 1.821 through 1.825 for the reason(s) set forth below or on the attached Notice To Comply With Requirements For Patent Applications Containing Nucleotide Sequence And/Or Amino Acid Sequence Disclosures. Specifically, applicants disclose 30 nucleotide and amino acid sequences in the application but have not submitted a Sequence Listing.

Applicant is given ONE MONTH, or THIRTY DAYS, whichever is longer, from the mailing date of this letter within which to comply with the sequence rules, 37 CFR 1.821 - 1.825. Failure to comply with these requirements will result in ABANDONMENT of the application under 37 CFR 1.821(g). Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a). In no case may an applicant extend the period for reply beyond the SIX MONTH statutory period. Direct the reply to the undersigned. Applicant is requested to return a copy of the attached Notice to Comply with the reply.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Guzo whose telephone number is (703) 308-1906. The examiner can normally be reached on Monday-Thursday from 8:00 AM to 5:30 PM. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Irem Yucel, can be reached on (703) 305-1998. The fax phone number for the organization where this application or proceeding is assigned is (703) 308-4242. Faxes may be sent directly to the examiner at (703) 746-5061.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0196.

David Guzo  
January 13, 2002

David Guzo